

1896-054 Chancery Causes: J. W. Orr vs. C. C. Brooks &
Lee Co.

CA-Debt
T-Property

-Deed

Virginia.

In the circuit court of Lee county.

At 1st February Rules, 1896.

Your orator J.W. Orr, humbly complaining, Respectfully represents to the court that he obtained a judgment against C.C. Brooks before H.C. Joslyn a Justice of the peace in and for Lee county, Va., on the ~~26th~~^{9th} day of February, ~~1894~~¹⁸⁹⁴, for the sum of \$60.42 with interest thereon from the 26th day of February, 1894, till paid and \$1.00 for costs; that said judgment is subject to the following credits to-wit:- \$10.00, August 26th, 1895; \$1.00, (cost of warrant and judgment) April 17th 1894; and 15.00 Feb'y, 1894. Said judgment was duly docketed in the judgment lien docket of Lee county on the 18th day of March 1895, the evidence of which judgment and the docketing thereof is here filed as Exhibit "A" and is prayed to be taken as a part of this bill.

Your orator will now shew that this judgment is a lien on the real estate of the said C.C. Brooks situate in Lee county, Va; that said Brooks owns 100 acres of land in said county about 20 miles west of the court house, joining the lands of C.C. Baylor and others - but, that his mother, Mellender Brooks has a lien on it for her maintenance who is now about 70 years old; and that Sallie Seal will have a lien on it for (\$5.00) five dollars per year for five years after the death of her husband John Seal, provided she should live so long; that there are no other liens on said land; and that the rents and profits of the same will not satisfy your orators judgment in five years. *Your orator here files a deed made to C.C. Brooks by Mellender Brooks & her husband (which husband is dead, and said deed is here filed marked exhibit "B")*
The prayer of your orator is that C.C. Brooks and Mellender Brooks be made parties defendant to this bill and that they be required to answer the same but not upon oath; that his judgment be declared a lien on said real estate; that the same be sold to pay your orators judgment and the costs of this suit. That general relief be granted your orator. May the commonwealths writ of Spae issue &c, directed &c. And in duty bound your orator will ever pray.

Orr and Blountships,
Attys.

10. + 13.

James W. Orr.

23. } Bill.

C. C. Brooks, et al

1896 1st Rules bill filed
Spa 2 executed & Dr
" 2nd Febby rules Dr
Confirmed & Cause set
for hearing

60 42	5-685-
5.43	2850
<u>1.00</u>	<u>85.75</u>
6585-	15.00
<u>1.000</u>	<u>70.75</u>
5685-	3
5121225-	
<u>5-855075-</u>	
26425-	
<u>26.5935-</u>	<u>9.1975-</u>

70.75-
~~15~~
79.94
1328
93.17

10000
9317
8.88

J. W. Orr, Plaintiff.

Against (In Chancery.

C. C. Brooks, et al., Defendants.

-----This cause came on this day to be heard upon the papers formerly read therein and the report of Special Commissioner, George W. Blankenship, and was argued by counsel: On consideration whereof and it appearing to the court that said report had been filed ten days before the beginning of this court and the same being ~~unaccepted~~ unaccepted to it is hereby confirmed. And it being further stated in open court by counsel for the plaintiff that the matters involved in this suit have been fully settled the cause is stricken from the docket.

[Handwritten notes and signatures are visible in the margins and between the lines of text.]

J. W. Orr
No. 7 Decree final.
C. C. Brooks, et al.

O. B. P. 408

Enter this Decree
W. J. M.

June 3, 1896.

J. W. Orr.

Plaintiff

against

C. C. Brooks et al Defendants

In Chancery.

This cause came on to be heard upon the bill of the plaintiff and exhibits therewith the process duly executed on the defendants, and was argued by Counsel. On consideration thereof, and said defendants failing to appear, the bill is taken for confessed against them. It is therefore adjudged, ordered and decreed that the plaintiff recover against the defendant C. C. Brooks \$61.42 with legal interest on \$60.42 part thereof from the 26th day of February 1884, until paid, Subject to a credit of \$10.00 August 26th 1885, \$1.00 April 17th 1894 and \$15.00 Feb 1st 1894, and the costs of this suit, and unless the same is paid within thirty days from the adjournment of this Court, then G. W. Blankenship who is appointed a Commissioner for the purpose will proceed to sell the land in the bill mentioned or so much thereof as may be necessary to pay the foregoing recovery and costs and expense of sale, at the front door of the Court house of this County, on some Court day, having first advertised the time, terms and place of sale for at least thirty days by written advertisements at the front door

of the ^{said} Court house and in the vicinity
of said land. Said Commissioner before
selling will ~~execute~~ bond before the
Clerk of this Court in the sum of \$1000 -
Conditioned as the law directs, and will
make said sale subject to the interest
for life in said land, of the defendant
Mellender Brooks, and will require the
costs of suit and expense of sale paid
in hand and for the residue will take
bonds with security to himself as
Commissioner, due in one & two years
and bearing interest from date, and
will report his action to some future
term of this Court, And the Cause is
Continued.

James W Orr
vs { Decree No 1,
3
C. C. Brooks et al
Q. B. O. 330

Enter this Decree.

W. L. M.

Mar 5 1896.

Virginia

At a circuit Court continued and held for Lee County at the Court-house thereof on Thursday March 5th 1896.

J. W. Orr

Plff

vs

C. C. Brooks et al

Defls

} In Chy

This cause came to be heard upon the bill of the plaintiff and exhibits therewith, the process executed on the defendants, and was argued by Counsel. On consideration thereof, and said defendants failing to appear the bill is taken for Confessed against them; It is therefore adjudged ordered and decreed that the plaintiff recover against the defendant C. C. Brooks \$61.42 with legal interest on \$60.42 part thereof from the 26th day of February 1884, until paid subject to a credit of \$10.00 August 26th 1885, \$1.00 April 17th 1894, and \$15.00 Feb 1st 1894, and the costs of this suit, and unless the same is paid within thirty days from the adjournment of this Court.

Then G. W. Blankenship who is appointed a Commissioner for the purpose will proceed to sell the land in the bill mentioned or so much thereof as may

be necessary to pay the foregoing recovery and costs and expense of sale, at the front door of the Court-house of this County on some Court day having first advertised the time terms and place of sale for at least thirty days by written advertisements at the front door of the said Court-house, and in the vicinity of said land, said Commissioner before selling will execute bond before the Clerk of this Court in the sum of \$200.00 conditioned as the law directs and will make said sale subject to interest for life in said land of the defendant Melender Brooks, and will require the costs of suit and expense of sale paid in hand, and for the residue will take bonds with security to himself as Commissioner due in one and two years, and bearing interest from date and will report his action to some future term of this Court. And this Cause is continued

A Copy Teste

A B Munsey Clerk

J. W. Orr
Copy of Decree
to Brooks et al
Executed March 18th
1896 By delivering an
office copy of the
within sumas to
B. W. Blankenship J. M.
Wiston Ds for W. O.
Wiston S. L. L.

Copy for B. W. Blankenship
C 100

James W. Orr, Plaintiff

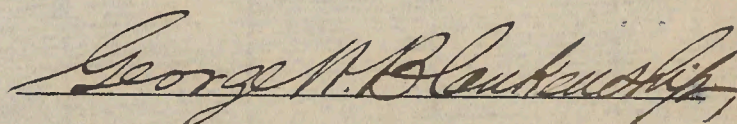
Against (In Chancery. (Circuit Court of Lee County, Virginia.)

C. C. Brooks, et al., Defendants.

To Hon. W. T. Miller, Judge of the Circuit Court of Lee Co., Va:--

Your undersigned Commissioner appointed by your honor's decree entered in the above styled cause on the 5th day of March 1896, directing your Commissioner to sell so much of the land in the bill mentioned as might be necessary to satisfy said decree begs leave to report, that the defendant paid to the plaintiff the debt and all costs to the plaintiff on the 20th day of April 1896. This April 30th 1896.

Respectfully Submitted.


Commissioner.

James W. Orr

78. } Comr's Report.

C. C. Brooks, et al.

Filed May the 1st 1876
A. B. Munsey Clerk

VIRGINIA--LEE COUNTY, TO-WIT:

TO J. M. Weston ~~S. Sheriff~~ ^{S. Sheriff} Constable of said County:

I HEREBY COMMAND YOU TO SUMMON..... C. C. Brooks

If to be found in your District to appear at my office in said county, on the 9th Feb 1894 before me or such other Justice of the said County, as may be thereto try this warrant, to answer complaint of..... J. W. Orr

and upon a claim for money not exceeding \$100, exclusive of interest, to-wit: For the sum of \$60.42 due by Note, and then and there make return of this warrant,

Given under my hand the 20th day of Jan 1894. H. C. Joslyn J. P.

J. W. Orr } On the 9th day of Feb 1894
Against C. C. Brooks } (In debt.) At Jonesville in said County.

JUDGMENT, That the Plaintiff recover of the Defendant \$ 60.42, with interest thereon from the 26th day of February 1894 till paid, and \$ 1.00 for costs.

H. C. Joslyn, J. P.

VIRGINIA --Lee County, To-wit: To J. M. Weston ~~S. Sheriff~~ ^{S. Sheriff} Constable of said County.

I command you in the name of the Commonwealth of Virginia, that of the goods and chattles of..... C. C. Brooks

....., in your county, you cause to be made the sum of \$ 60.42 with interest thereon from the 26th day of Feb 1894 till paid, which..... J. W. Orr

Orr has recovered before me in a warrant in debt, and also the sum of \$ 1.00 which were adjudged to the said..... J. W. Orr for costs in prosecuting said warrant.

Given under my hand the 9th day of Feb 1894. H. C. Joslyn J. P.

by Mr \$10.00 paid by C. C. Brooks
Aug 26th 1886.

Noted Mar 26/84
Ex Aug 26/85 C 41000

Exhibit "A" in bill of Chy.

J. W. Arr
vs Warrant
C. C. Brooks

Executed by
Summoning

C. C. Brooks
on the within
Warrant this

Feb 3 - 1894.

J. M. Weston, D.S.,
per C. E. Filanary
"A" S. L.

Executed in part by
collecting and settling
the cost in within Judge-
ment, this April 19 - 1894
J. M. Weston, D.S.

Filed April 19th 1894.
Docketed in Judgments
Rienock, March 1895
S. L. Richardson

1894 Feb 17th by one coin \$15.00, Receipt given.

Articles of an Agreement made and entered
in to this December 22, 1894, between Samuel
W. Brooks and Mellinder Brooks his wife of the
first part and L. C. Brooks our son of the second
part; both parties of the County of Lee and State of
Virginia: Witnesseth: That the said Samuel W.
Brooks and Mellinder Brooks his wife do give
all their real and personal property, the real estate
being one tract of land lying in the same County
and State aforesaid joining the lands of L. C.
Baylor lying on a public road leading
from Boons Path to the Davis Nursery
we give the above named property to our son
L. C. Brooks for our maintenance and care
during our natural lives. The said L. C.
Brooks is to have possession of said property
from this date and he is also to take
into his care from this date the said
Samuel W. Brooks and his wife his father
and mother and care for and maintain
them during their natural lives: The said
L. C. Brooks in this obligation is to pay
to Sally Seal five dollars yearly for the
term of five years, payments to commence
at the death of John Seal, her husband.
We hereunto set our hands and affix
seals the day and date above written

Samuel W. ^{his} Brooks Seal
mark

Mellender ^{his} + Brooks Deed
^{marks}
L. C. Brooks Deed

Witness by
William H. Speck
James Stone

Virginia, Lee County, to wit:

In the office of the Clerk of said County the
18th day of March 1895. The foregoing deed
from and between Samuel W. Brooks &
Mellender Brooks his wife of the one part, to
L. C. Brooks of the other part, all of Lee County,
Virginia, was this day proven before me
by William H. Speck & James Stone, the
subscribing witnesses thereto, to have been
duly executed and acknowledged before them,
on the 22nd day of December 1894 by the
said Samuel W. Brooks & Mellender Brooks
his wife and L. C. Brooks to be their act
and deed for the purposes therein men-
tioned and said deed is admitted to
record. Given under my hand
this the 18th day of March 1895.

J. V. F. Richmond Clerk.

A copy

Test: J. V. F. Richmond Clerk

L. L. Brooks

Thos J. Dyer

Samuel W. Brooks et al

J. W. Orr

vs J. Dyer

L. L. Brooks et al

Exhibit "B"

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

Brooko

to C. C. Brooks & Mellender

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the *15th* Monday in *February*, 189*6*, to answer a
bill in Chancery, exhibited against *them* in our said court by

J. W. Orr

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-
house, the *30th* day of *January*, 189*6*, and in the

11 *120th* year of the Commonwealth.

A. B. Munsey Clerk.

J. W. Orr
vs. { SUPCENA
IN CHANCERY
C. C. Brooks et al

Orr vs B p. q.

To 1st Feby Rules,
Circuit Court.

Executed by delivering
an office copy of the within
summons to C. C. Brooks
and Melinger Brooks
this Jan 31st 1896.
J. W. Weston S. J. for
Wm. P. Weston S. J. C

James W. Orr ^{10r B.}
vs. } Bill in Chy

L. L. Brooks et al

Papers filed. Bill, with
Exhibits "A" + "B."

1896 1st Feb'y rules bill
filed & pa executed
D. L.

11 2nd Feb'y rules & in
Conf'd & Cause set for
hearing

Pleffs Costs	C	4.87
	S	1.50
	Tax	1.50
		5.50
Estimates		36

\$13.23

Debit all costs \$92.17
paid Apr 20th 1896 +
Case is to be dismissed

Orr